

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7163
OFFERED BY MR. Cisneros

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “VA FOIA Reform Act
3 of 2020”.

4 **SEC. 2. PLAN FOR REDUCTION OF BACKLOG OF FOIA RE-**
5 **QUESTS.**

6 (a) PLAN.—The Secretary of Veterans Affairs shall
7 establish and carry out a plan for the Secretary to meet,
8 by not later than five years after the date of the enactment
9 of this Act, the requirements of section 552 of title 5,
10 United States Code, with respect to providing documents
11 and information under such section within the timeframes
12 required by such section. The plan shall include the fol-
13 lowing:

14 (1) Improving and acquiring technology, includ-
15 ing with respect to searching email and other elec-
16 tronic information, and the timelines for such im-
17 provement, to ensure that the information tech-

1 nology of the Department of Veterans Affairs is ca-
2 pable of carrying out the plan.

3 (2) Identification of efficient procedures, poli-
4 cies, and systems of the Department that could be
5 developed to allow employees of the Department re-
6 sponsible for replying to requests under such section
7 552 to search and review documents rather than
8 other employees of the Department.

9 (3) A schedule for carrying out the plan, includ-
10 ing key milestones and metrics.

11 (b) COMPLIANCE ASSESSMENT.—The Secretary shall
12 request the Director of the Office of Government Informa-
13 tion Services of the National Archives and Records Admin-
14 istration to conduct an assessment of the compliance by
15 the Department of Veterans Affairs with section 552 of
16 title 5, United States Code.

17 (c) REPORTS.—

18 (1) INITIAL REPORT.—Not later than 180 days
19 after the date of the enactment of this Act, the Sec-
20 retary shall submit to the Committees on Veterans'
21 Affairs of the House of Representatives and the Sen-
22 ate a report on implementing subsections (a) and
23 (b). The report shall include the following:

24 (A) The plan established under subsection
25 (a).

1 (B) An analysis of the root causes of the
2 backlog of FOIA requests.

3 (C) Recommendations with respect to any
4 additional resources or legislative action the
5 Secretary determines necessary for such imple-
6 mentation.

7 (2) ANNUAL REPORTS.—During the five-year
8 period following the date of the enactment of this
9 Act, the Secretary shall submit to the Committees
10 on Veterans' Affairs of the House of Representatives
11 and the Senate annual reports on—

12 (A) carrying out the plan under subsection
13 (a), including any updates or changes made to
14 the plan; and

15 (B) the compliance by the Department as
16 described in subsection (b).

17 (3) PUBLICATION.—The Secretary shall make
18 publicly available on the internet website of the De-
19 partment the reports under paragraphs (1) and (2)
20 by not later than 30 days after the date on which
21 the Secretary submits the reports to the Committees
22 on Veterans' Affairs of the House of Representatives
23 and the Senate.

24 (d) BACKLOG OF FOIA REQUESTS DEFINED.—In
25 this section, the term “backlog of FOIA requests” means

1 the number of requests, as reported by the Secretary of
2 Veterans Affairs to the Attorney General in the Annual
3 FOIA Report, made by individuals to the Secretary pursu-
4 ant to section 552 of title 5, United States Code, for docu-
5 ments or information that the Secretary has not fulfilled
6 or provided a response to the individual.

Amend the title so as to read: "A bill to direct the Secretary of Veterans Affairs to establish a plan to reduce the backlog of requests for information made to the Department of Veterans Affairs pursuant to section 552 of title 5, United States Code, and for other purposes."

